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Attorneys for USACM Liquidating Trust

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In re:

USA COMMERCIAL MORTGAGE
COMPANY,

Debtor.

Case No. BK-S-06-10725-LBR

Chapter 11

**USACM Trust's Motion to Amend
Court's Order Sustaining First
Omnibus Objections Re the Hesperia
II Loan**

Date of Hearing: November 15, 2011

Time of Hearing: 9:30 a.m.

Estimated Time for Hearing: 10 minutes

The USACM Liquidating Trust (the "USACM Trust") moves to amend the Court's Order regarding the First Omnibus Objection to Proofs of Claim Based Upon Investment in the Hesperia II Loan ("Hesperia II Loan") [DE No. 8883] (the "Objection") as it relates to Proof of Claim 10725-02012 (the "Canepa Claim") by Shawntelle Davis-Canepa ("Canepa"). On September 30, 2011, the Court heard the omnibus objection to claims arising from the Hesperia II Loan. At the hearing, the Court indicated that it would allow 20% of each of the claims arising out of the Hesperia II Loan and disallow the remaining 80% of each claim.

When the USACM Trust processes the allowed Direct Lender claims related to the Hesperia II Loan, it will be unable to pay the Canepa Claim because, based upon the

1 objections and forms of order filed with the Court by the USACM Trust, the Court
2 allowed the Canepa Claim in an “unknown” amount.

3 In order to put a dollar amount on the Canepa Claim, counsel for the USACM Trust
4 reviewed the relevant proof of claim and loan file. Based upon that review, counsel
5 believes Canepa invested \$40,000 in the Hesperia II Loan. Therefore, the USACM Trust
6 would propose that \$40,000 be deemed to be the amount of the Canepa Claim as it relates
7 to the Hesperia II Loan.

8 So as not to delay making distributions on the Hesperia II claims, the USACM
9 Trust intends to upload a form of order that will still include the “unknown” amount for
10 the Canepa Claim. Assuming the order is approved, the USACM Trust will then make
11 distributions based upon it. Later, when the Court hears this motion on November 15,
12 2011, the USACM Trust will ask the Court to amend its order regarding the Objection so
13 that the Canepa Claim is allowed as shown in **Exhibit A**, attached. The USACM Trust
14 requests such additional relief as the Court may deem proper.

15 LEWIS AND ROCA LLP

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21 Copy of the foregoing
22 Mailed by first class postage
23 Prepaid U.S. Mail to the parties listed on
24 Exhibit A attached.

25 S. Renee Creswell
26 Lewis and Roca LLP